

For All of Us, By All of Us:

Challenging State Interference to Advance Gender and Racial Justice



MAY 2019

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About the Partnership for Working Families



PARTNERSHIP
for
Working Families

The Partnership for Working Families is a national network of 20 powerful city and regional affiliate groups based in major urban areas across the country. The Partnership advocates for and supports policies and movements that build more just and sustainable communities where we live and work. Taking lessons learned at the local level and applying them to the national conversation, the Partnership builds a framework for addressing climate change, inequality, racial and social injustice. For more information, visit us at www.ForWorkingFamilies.org

Executive Summary

Across the country, people are coming together to make communities healthier, safer, and more economically vital for all of us, no matter our race or gender, income, or place of origin. But increasingly, corporations and right-wing state legislators are successfully driving preemption bills that make it harder for women and women of color in particular to work with their local governments to build communities that work for them and their families.

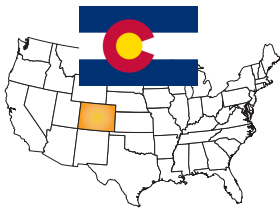
State interference cuts off a critical avenue for women and people of color to win equitable policies around paid sick days, wages, and affordable housing.

Each of these policy arenas has outsized influence over the day-to-day experiences of women, due to historical, structural, and cultural factors. Women, and women of color in particular, are overrepresented in low-wage work, in part because they are more likely to do service and care work historically undervalued as “women’s work.” Additionally, employers discriminate against women, paying white women on average 80 cents for every dollar they pay white men, and paying women of color even less.

Nationally, about one-third of private sector workers do not have access to paid sick days. The majority of people without paid sick days are low wage workers, and of those workers, women are more likely than men to work without paid sick days.¹ Given that women in the U.S. continue to do more unpaid care work than men — about 57 percent more on average² — when employers force workers to take unpaid time to care for sick children or elders, they are in effect discriminating against women.

The rent burden for women of color is steepest. Nationally, close to two-thirds (61 percent) of women of color pay more than 30 percent of their income on housing.³ Black and Latino households are more likely to rent than are white households, owing to the legacy of redlining, ongoing discrimination and economic inequality, and the subprime mortgage crisis in which banks targeted Black and brown communities. Landlords discriminate against women of color when choosing to whom to rent, and are more likely to evict women of color living in poverty, and Black women in particular, than other tenants.⁴ Women who have suffered intimate partner violence also face housing discrimination, despite federal law that should protect them. Greater housing stability via rent regulation and robust renters rights for everyone is an essential strategy in addressing the inequities women face in housing.

A closer look at what’s happening in four different states reveals how widespread and troubling this type of state interference is:



Colorado: For years, people have been working together in communities like Denver and Westminster to make sure the homes where they raise their families remain affordable. But a network of corporate landlords have leaned on state lawmakers to establish infinite rights to raise rents, blocking the communities’ efforts and jeopardizing the well-being of people who rent — especially women, who struggle most to make ends meet. Of Colorado’s female-headed households, the majority rent their homes, and one in four experience

¹ “Working Women Need Paid Sick Days,” National Partnership for Women and Families, April 2013, <http://www.nationalpartnership.org/our-work/resources/workplace/paid-sick-days/working-women-need-paid-sick-days.pdf>.

² Care Work and Care Jobs: The Future of Decent Work. International Labour Organization, 2018. Pp. 44-45. https://www.ilo.org/wcmsp5/groups/public/—dgreports/—dcomm/—publ/documents/publication/wcms_633135.pdf. Women in the US do an average of 264 minutes (4.4 hours) of unpaid care work per day, compared with 168 by men (2.8 hours).

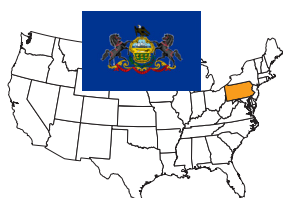
³ “When Renters Rise, Cities Thrive,” National Equity Atlas, accessed March 2, 2019, <https://nationalequityatlas.org/sites/default/files/National-Fact-Sheet.pdf>

⁴ Gonzalez, Catherine Lizette. “STUDY: Women of Color Living in Poverty Face Highest Risk of Eviction,” Colorlines. April 9, 2018. <https://www.colorlines.com/articles/study-women-color-living-poverty-face-highest-risk-eviction>. Desmond, Matthew. “Poor Black Women are Evicted at Alarming Rates, Setting Off Chain of Hardship,” How Housing Matters. MacArthur Foundation. March 2014. https://www.macfound.org/media/files/HHM_-_Poor_Black_Women_Are_Evicted_at_Alarming_Rates.pdf.

wage theft and other injustices that force them to live in poverty. The majority of women in Metro Denver are burdened by unaffordable rent, while nearly two-thirds of Black women in Denver are housing cost burdened.



Louisiana: The people of New Orleans have long fought to ensure employers pay wages that represent a fair return on their work, and the right to take time off of work to deal with an illness or care for a family member. This advocacy is especially vital given that Louisiana has the nation's largest gender pay gap — employers in Louisiana choose to pay women only two-thirds of what they pay men — 66 cents for every dollar a man earns — on average. That is dramatically worse than the national gender pay gap. At the state level, lawmakers have blocked local efforts to establish a minimum wage and paid leave, denying critical protections for working people in New Orleans.



Pennsylvania: In 2015, the people of Pittsburgh passed a groundbreaking ordinance to ensure that people who worked the city's lowest paid jobs, including restaurant and hotel workers, could take time to rest and heal when they got sick. This victory created new protections for nearly 50,000 people, most of whom are women and people of color. In an action that would protect the corporate bottom line and force people to work through illness, corporate interests sued the city under a state preemption law. The case is still before the state supreme court and Pittsburgh's paid sick leave ordinance is currently on hold.



Tennessee: The people of Tennessee are up against one of the most formidable preemption landscapes in the country. Residents of Nashville have come together to advocate for local hire requirements, a civilian police oversight board, paid sick leave, and living wages many times over the last decade, but a handful of state legislators have preempted nearly all local policies that would make housing more affordable and jobs more fairly compensated. As a result, most women of color in Nashville are forced to spend an unsustainable portion of their incomes on rent just to keep a roof above their heads in the city they call home.

While local victories for our communities are often engineered and won by women and people of color on behalf of all of us, the state laws that suppress these policies are nearly always enacted by overwhelmingly male, overwhelmingly white legislatures. Nationally, state legislatures are 83 percent white and 71 percent male.⁵ Ultimately, our task is to undo harmful state preemption laws in order to ensure that our communities are thriving and our jobs are humane, especially for women and people of color who are often the first to be exploited for profit.

Often, as state legislatures prevent local governments from enacting regulation that would correct these structural gender and racial inequities, they simultaneously refuse to enact such legislation at the state level as well. In this way, legislatures are helping corporate actors ensure that these inequities become even more pronounced. This not only creates hardship for women individually, but adds barriers to women and people of color from participating fully in our democracy and society.

⁵ "Legislatures at a Glance," National Conference of State Legislatures, accessed March 2, 2019, <http://www.ncsl.org/research/about-state-legislatures/legislatures-at-a-glance.aspx>

Introduction: State Preemption and Gender and Racial Justice

The right-wing corporate policy agenda threatens women's access to healthcare,⁶ decent housing they can afford,⁷ and their rights in the workplace.⁸ Currently, employers pay white women working full time only 80 cents for every dollar they pay their white male colleagues, and pay African American women and Latinas 60 cents and 55 cents, respectively.⁹

In the face of this, women, and women of color in particular, are taking action in their communities to better their lives and the lives of their families and neighbors. Our collective power is at its most concentrated in cities, and as a result, cities have proven to be a powerful voice for progressive change in recent years, leading the way on raising the minimum wage, ensuring paid sick days and parental leave, and protecting consumers and the environment.¹⁰

Corporations and their politician allies have increasingly deployed state preemption to stop local progress and block the abilities of local governments to act on the values and needs of their communities. The National League of Cities defines preemption as “the use of state law to nullify a municipal ordinance or authority.”¹¹ State preemption limits the ability of local governments to enact legislation around topics such as minimum wage or paid leave. Currently, 22 states prohibit local laws related to paid leave, 26 states have laws preempting local measures related to minimum wage, and 34 states have preemption laws related to housing affordability.¹²



Though preemption is not inherently harmful, this report argues that it is increasingly being used as a tool by corporations and anti-regulation lawmakers to disempower low-income communities of color and roll back gains for women and people of color.

This report uses in-depth data from four states — Colorado, Louisiana, Pennsylvania, and Tennessee — to demonstrate how communities are fighting to raise the minimum wage, provide employees the opportunity to earn paid leave, and enact much-needed affordable housing measures and protections for tenants, only to be thwarted at the state level by lawmakers caving to corporate pressure or following an anti-regulation agenda. These legislators are not only preventing local governments from improving job quality and affordable housing for all, they are choosing not to solve these issues at the state level. Today, state preemption often means no legislation exists at any level and the people who need these policies to improve their lives have no path in our democracy to get them enacted.

The analysis in this report reveals how preemption legislation in these four states is an especially egregious violation of the rights of the people most often at the forefront of these local fights for justice — women of color. Owing to historical and present-day discrimination and

⁶ Chloe Cicciariello, “Defunding Planned Parenthood—The Stakes for America’s Women,” *JAMA Internal Medicine* 177, no.3 (March 2017): 307-308.

⁷ State Preemption of Local Equitable Housing Policies, <http://www.supportdemocracy.org/equitablehousing/>

⁸ Francine Banner, “Roads less Traveled: U.S. Workplace Discrimination from the 1890s to the Present,” *Tulsa Law Review* 53, (Winter 2018): 159-178.

⁹ U.S. Congress, Joint Economic Committee Democratic Staff, “Gender Pay Inequality: Consequences for Women, Families and the Economy,” (April 2016), https://www.jec.senate.gov/public/_cache/files/0779dc2f-4a4e-4386-b847-9ae919735acc/gender-pay-inequality-us-congress-joint-economic-committee.pdf.

¹⁰ “Unmasking the Hidden Power of Cities,” Partnership for Working Families, accessed March 2, 2019, https://www.forworkingfamilies.org/sites/default/files/publications/Unmasking-the-Hidden-Power-of-Cities_0.pdf

¹¹ “City Rights in an Era of Preemption: A State-by-State Analysis,” National League of Cities, accessed March 2, 2019, <https://www.nlc.org/resource/city-rights-in-an-era-of-preemption-a-state-by-state-analysis>.

¹² “Mapping State Interference,” Partnership for Working Families, accessed March 2, 2019, <https://www.forworkingfamilies.org/preemptionmap>.

bias, women are overrepresented among the low-wage workers harmed by the state preemption of local laws related to minimum wage, paid leave, and other workforce protections. Additionally, female-headed households are most often forced into poverty and blocked from owning homes, making state preemption of rent control especially punitive. This report also details the relationship between corporations and the legislators behind this preemption legislation.

Consequences of State Preemption

In states throughout the country, corporations are using state preemption to advance their interests over those of women, and particularly women of color. What follows is a detailed look at how state preemption perpetuates inequity for women, and particularly women of color, in four states.

Colorado

Housing and anti-poverty organizers in Colorado are in the midst of two fierce battles: to overturn the state ban on rent control and allow localities to increase minimum wages above the statewide minimum. The organizations at the forefront of these campaigns include 9to5 Colorado, Colorado People's Alliance, and United for a New Economy (UNE), all organizations led by women and people of color.



State preemption in Colorado has left half a million tenants with no protection against excessive rent increases in a period of massive housing cost inflation. This preemption of municipal housing policy has had devastating effects on local communities, worsening the effects of the current housing crisis on Colorado's most vulnerable residents.

Alongside the growth in jobs and population seen in recent years, communities across Colorado have experienced sharp surges in housing costs. Between 2011 and 2017, the median rent for multifamily apartments in Denver grew from approximately \$900 to nearly \$1,400, an increase of almost 60 percent.¹³ While research suggests that local rent stabilization ordinances can protect people from being pushed out of their homes due to rising rents and gentrification,¹⁴ Colorado Revised Statute (CRS) 38-12-301 prohibits cities and counties from implementing rent control.¹⁵

CRS 38-12-301 also hinders the production of affordable housing in Colorado cities. In 2000, the Colorado Supreme Court, in *Town of Telluride v. Lot Thirty Four Ventures*, ruled that local ordinances requiring developers to include affordable units in rental projects violate the state prohibition on rent control.¹⁶ This ruling prevents Colorado cities from implementing inclusionary zoning for new rental housing projects. Typically, inclusionary zoning policies mandate that developers include a certain percentage of below-market-rate units in a development, or the developer must pay a fee that funds the construction of affordable housing projects. Currently, inclusionary zoning is one of the main tools cities use to produce housing that is affordable for low- and middle-income households.¹⁷ Builders produced more than 10,000 market-rate apartments in



“For Colorado to have its own path in addressing the housing crisis, we must acknowledge the specific needs for each city and county to protect tenants from rapidly increasing rent hikes, which is why repealing rent control preemption would be the best and most comprehensive policy.”

— **CELESTÉ MARTINEZ**,
UNE Organizing Director

2017 METRO DENVER APARTMENT CONSTRUCTION

<10,000
NEW MARKET-RATE
APARTMENTS

0%
AFFORDABLE
NEW APARTMENTS



¹³ Colorado Department of Local Affairs, “Denver Metro Area Apartment Vacancy and Rent Survey Third Quarter 2018,” (2018), <https://www.colorado.gov/pacific/dola/vacancy-rent-surveys#reports>.

¹⁴ “Policy Tools,” Urban Displacement Project, accessed December 10, 2018, <http://www.urbandisplacement.org/policy-briefs>.

¹⁵ Colorado Revised Statute § 38-12-301

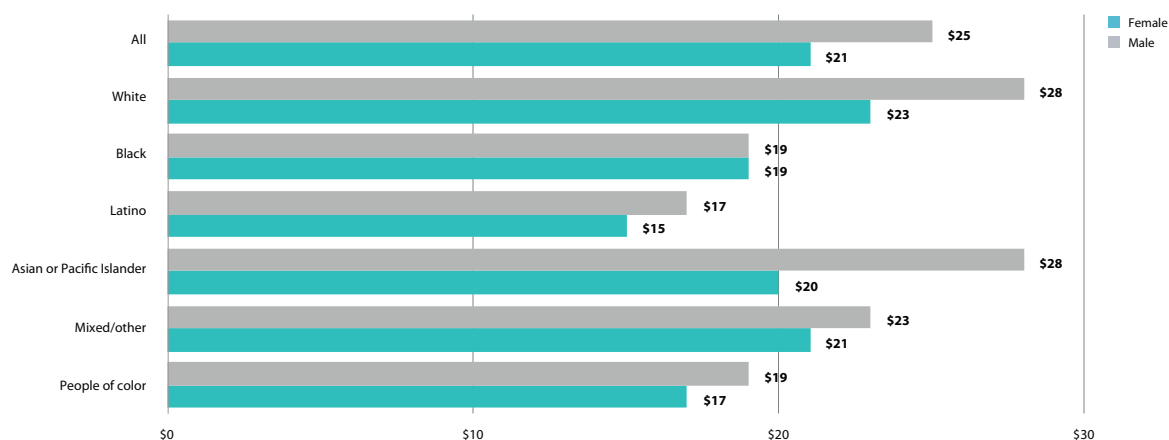
¹⁶ *Town of Telluride v. Thirty-Four Venture*, 3 P.3d 30 (2000).

¹⁷ Benjamin Schneider, “CityLab University: Inclusionary Zoning,” CityLab, July 17, 2018, <https://www.citylab.com/equity/2018/07/citylab-university-inclusionary-zoning/565181/>.

Metro Denver in 2017,¹⁸ and as a result of state preemption, did not build a single unit of affordable housing or provide funding to construct them. State preemption of affordable housing policy in Colorado is especially disconcerting given the state's current housing crisis, which is particularly acute in the Denver metropolitan area (known locally as "Metro Denver").

Preemption of municipal housing policy means that women of color in Colorado, who are paid far less on the dollar than white men, are most at risk of being pushed out of their homes to increase the profits of corporate landlords. Figure 1 shows that the median hourly wage for women in Metro Denver is nearly 20 percent less than the median wage for men. *Employers pay women of color in Denver almost 40 percent less than white men*, while Latina women have the lowest wages of any group.

Figure 1. Median Hourly Wage in Metro Denver by Race/Ethnicity and Gender, 2015



Source: IPUMS, PolicyLink/Pere National Equity Atlas

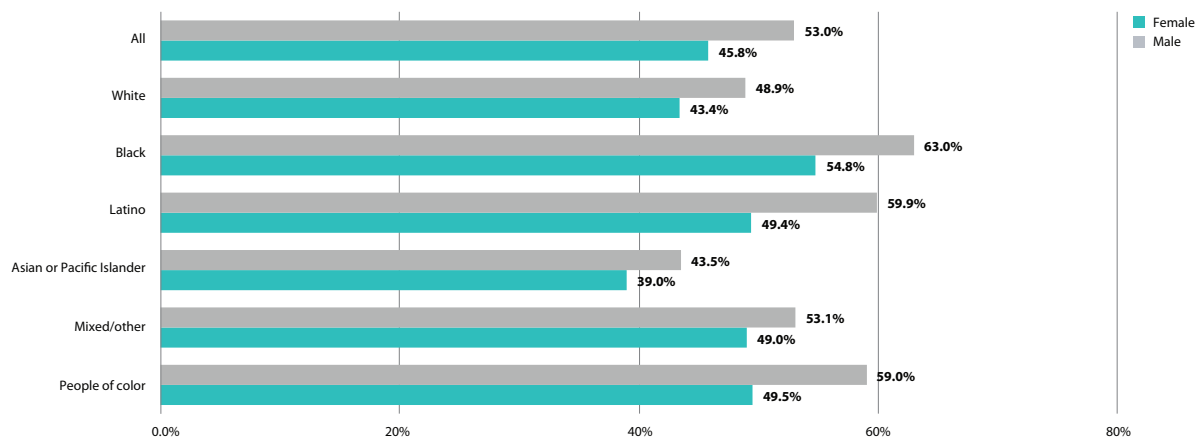
Women in Colorado bear a disproportionate burden of high costs of living, combined with low wages. One-quarter of female-headed families in Colorado live in poverty, a rate that is three times greater than the general family poverty rate in the state.¹⁹ Female-headed families in Metro Denver and throughout Colorado are also more likely to be renters. In communities throughout the state, female-headed households rent at a rate almost twice as high as that of the general population of families.²⁰ Accordingly, households headed by women are most likely to be targeted by rapidly rising rents.

Lower wages, higher rates of poverty, and less access to homeownership exacerbate the housing difficulties experienced by women in Metro Denver. As a result, women are more likely to be housing cost burdened than men. The majority of women in Metro Denver are burdened by unaffordable rent, while nearly two-thirds of Black women are housing cost burdened. Notably, the rate of housing cost burden is more than 15 percent higher for women of color in Metro Denver than it is for white men (Figure 2).

¹⁸ Ben Markus, "No, There's Not An Apartment Glut In Denver. There's A Renter Shortage," Colorado Public Radio, October 15, 2018, <https://www.cpr.org/news/story/no-there-s-not-an-apartment-glut-in-denver-there-s-a-renter-shortage>.

¹⁹ U.S. Census Bureau, American Community Survey 2012-2016 5-Year Estimates, Table B1709, accessed February 28, 2019, <https://factfinder.census.gov>.

²⁰ U.S. Census Bureau, American Community Survey 2012-2016 5-Year Estimates, Table B1709, accessed February 28, 2019, <https://factfinder.census.gov>.

Figure 2. Rates of Housing Cost Burden in Metro Denver by Race/Ethnicity and Gender, 2015

Source: IPUMS, PolicyLink/Pere National Equity Atlas, 2015

While all renters in Colorado are feeling the effects of rising rents, the housing crisis disproportionately impacts women and women of color, due to the impact of structural wage inequality and housing discrimination. Employers pay these workers less, making it hard for them to buy homes and placing them under the highest housing cost burdens. State law preempting local governments from enacting rent stabilization policies worsens the challenges of this unaffordable housing market by prohibiting municipalities from protecting vulnerable tenants from exorbitant rent increases and prohibiting inclusionary zoning laws that require developers to include affordable housing units in their rental projects.

At a time when developers are building thousands of luxury apartments throughout Metro Denver, inclusionary zoning could have resulted in significant numbers of desperately needed affordable units.²¹ Colorado's legislature has failed to create policies that can stabilize rapidly rising rents and produce much needed affordable housing, and its preemption of rent control prevents Colorado cities from doing so as well. There is an urgent need for legislation in Colorado that can end state preemption and allow effective local solutions to a housing crisis that creates immense difficulties for women and people of color.

Louisiana

A coalition of grassroots groups in Louisiana have been lobbying state leaders for at least the past five years to lift families out of poverty through an across-the-board wage increase. Despite overwhelming support for the increase — 76 percent of people in state want to raise the minimum wage — state law currently prevents local authorities from setting standards for pay and other employee benefits,²² policies that would greatly improve the lives of women in a state that has the worst gender pay gap in the entire country. The Unleash Local Coalition is currently fighting to pass House Bill 422, which would empower localities to pass minimum wage and paid sick leave policies.

State legislators in Louisiana have been committed to a campaign of anti-worker preemption for over two decades. In 1997, Louisiana became the first state to preempt its cities from establishing a local minimum wage above the federal

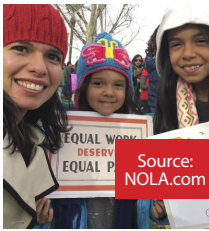


If we roll back preemption of the minimum wage, I feel the people that have been struggling and drowning will have power back in their hands to better themselves financially. It's like having the walls come down that's been blocking us from living free."

— **MS. GAYNELL DUMAS,**
Stand With Dignity, a Project of the New Orleans
Workers' Center for Racial Justice

²¹ Laura Kusisto, "Denver Has a Plan for Its Many Luxury Apartments: Housing Subsidies," *Wall Street Journal*, January 8, 2018, <https://www.wsj.com/articles/denver-has-a-plan-for-its-many-luxury-apartments-housing-subsidies-1515412800>.

²² "Louisiana wants higher minimum wage, survey shows," *News Star*, April 9, 2019, <https://www.thenewsstar.com/story/news/2019/04/09/louisiana-wants-higher-minimum-wage-survey-shows/3408811002/>.



minimum.²³ In 2011, the legislature went a step further and prohibited cities and counties from requiring contractors to pay their workers a prevailing wage for public construction projects.²⁴ In 2012, Louisiana passed a broad law that preempted both local paid leave and minimum wage laws.²⁵ The 2012 law was one of the first preemptive sick leave laws in the United States. It prohibits cities from setting “a mandatory, minimum number of vacation or sick leave days, whether paid or unpaid, or a minimum wage rate which a private employer would be required to pay or grant employees.”

Minimum-wage workers in Louisiana make only \$7.25 per hour (assuming their employer complies with the law). Louisiana’s current Governor, John Bel Edwards, supports raising the minimum hourly wage to \$8.50, but state lawmakers have repeatedly voted against it.²⁶ New Orleans has made several attempts to counter these preemption laws in order to tackle its rising cost of living and growing income inequality. In 2002, New Orleans residents first attempted to raise the minimum wage in the city to a dollar higher than the federal minimum. This ballot measure was overwhelmingly supported by the city’s residents (63 percent), but it was subsequently struck down by the state’s Supreme Court.²⁷ In 2015, New Orleans organizers were able to work around minimum wage preemption for a select

set of employees by winning a “living wage ordinance” that guarantees a minimum wage of \$10.55 and mandatory paid sick leave for all employees of city contractors.²⁸

State preemption of laws that can raise wages and provide paid family and medical leave and paid sick days is particularly detrimental for women in Louisiana. The state’s women, especially women of color, are key contributors to household income: 82 percent of Black mothers, 50 percent of Latina mothers, and 46 percent of white mothers are the primary income earners in their families.²⁹ Unfortunately, the state has the *worst gender pay gap in the United States* for full-time, year-round workers, with corporations paying women only two-thirds of what they pay comparable men.³⁰ Table 1 shows how the gender pay gap in Louisiana varies across racial groups. Employers pay women of color — and specifically Black women — the least. This data also illustrates that if employers chose to stop discriminating against women and paid them equitably, women would be able to better afford child care, education for their children, and rent. While Louisiana’s women of color are likely to be the primary financial support for their families, the intersection of corporate interests, gender discrimination, and racism means that a large portion of the money they should be paid for their labor is pocketed by their employers instead.

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In addition to the gender pay gap, working women in Louisiana also face a lack of paid sick and family leave because state legislators have used preemption laws to protect the corporate bottom line. Research indicates that fewer than 40 percent of new Louisiana mothers are able to take paid maternity leave.³¹ Moreover, Louisiana’s paid leave preemption laws prevent cities like New Orleans from creating policies that will provide the necessary support for the female workforce. In Louisiana, 49 percent of single-mother families live in poverty, much higher than the national rate of 41 percent. Furthermore, 68 percent of single-mother families in New Orleans are below the poverty line.³² Louisiana’s policies are failing mothers and working women, and state preemption ties the hands of policymakers in the state’s high-cost cities like New Orleans.

²³ La. Rev. Stat. Ann. § 23:642

²⁴ La. Stat. Ann. § 38:2225.5

²⁵ La. Rev. Stat. Ann. § 23:642

²⁶ Elizabeth Crisp, “As other states OK minimum wage hikes, Louisiana advocates still working to build support,” *The Advocate*, November 7, 2018, https://www.theadvocate.com/baton_rouge/news/politics/article_8fd3eafe-e2cc-11e8-a401-4b4d2ed6acac.html.

²⁷ “Louisiana Should Raise the Minimum Wage,” *Louisiana Progress*, February 2, 2017, <https://www.louisianaprogress.org/blog/2017/11/2/louisiana-should-raise-the-minimum-wage>.

²⁸ Robert McClendon, “New Orleans council approves living wage ordinance,” *The Times-Picayune*, August 6, 2015, https://www.nola.com/politics/2015/08/new_orleans_council_approves_l_1.html.

²⁹ “Paid Leave Means a Stronger Louisiana,” National Partnership for Women and Families, January, 2019, <http://www.nationalpartnership.org/our-work/resources/workplace/paid-leave/paid-leave-means-a-stronger-louisiana.pdf>.

³⁰ Phyllis Hutton Raabe and Katherine P.Theall, “An Analysis of Paid Family and Sick Leave Advocacy in Louisiana: Lessons Learned,” *Women’s Health Issues* 26, no. 5 (2016): 488-495.

³¹ “2013 Louisiana PRAMS Surveillance Report,” Louisiana Department of Health, 2013, <http://ldh.la.gov/assets/oph/Center-PHCH/Center-PH/maternal/LouisianaPRAMS/2013PRAMS-Report.pdf>.

³² Vicki Mack, “New Orleans Kids, Working Parents, and Poverty,” *The Data Center*, February 26, 2015, https://www.datacenterresearch.org/reports_analysis/new-orleans-kids-working-parents-and-poverty/.

Table 1. Gender Pay Gap and its Impacts by Race in Louisiana, 2015*Each year, Louisiana women are typically paid this much less than men:*

All Women	Latina	Black	White, Non-Hispanic	Asian
\$15,238	\$26,642	\$28,426	\$18,444	\$23,860
If the annual gender wage gap were eliminated, a working woman in Louisiana would have enough money, on average, to purchase the following:				
Additional months of child care:				
32.8	57.3	63.3	39.7	51.3
Additional months of rent:				
18.9	33.0	36.4	22.8	29.5
Additional years of tuition and fees for a four-year public university				
1.6	2.9	3.2	2.0	3.6

Source: National Partnership for Women and Families, 2018

New Orleans's Living Wage Ordinance illustrates the community's interest in promoting a just and humane quality of life for all, but Louisiana's preemption laws undo such local reform efforts. Despite the severe economic challenges faced by many of Louisiana's women and residents of color, the state legislature refuses to create a state minimum wage above the federal minimum of \$7.25 per hour. The State's legislators have also failed to guarantee paid leave for workers, and as a result the majority of Louisiana's mothers are unable to take paid maternity leave. Importantly, these same legislators have also preempted Louisiana's cities from creating policies that can improve job quality and alleviate the State's vast economic disparities. Consequently, cities like New Orleans will be unable to act on the needs and priorities of their residents unless Louisiana ends its preemption of local legislation related to minimum wage and paid leave.

Pennsylvania

Corporate lobbyists in Pennsylvania recently brought a lawsuit in an attempt to use state law to avoid local obligations to give paid sick days to workers. The ongoing court case has prevented implementation of a paid sick days ordinance in Pittsburgh, a setback that has had an outsized impact on women and people of color.

After a successful campaign by local workers, the city of Pittsburgh passed legislation in 2015 requiring employers to provide paid sick days to employees. A state court struck down the policy, holding that it was preempted by a state law prohibiting municipalities from establishing "duties, responsibilities or requirements placed upon businesses, occupations and employers." While the City argues that guaranteeing sick time represents a local public health issue within the control of municipal government, corporate lobby groups like the Pennsylvania Restaurant and Lodging Association contend that Pittsburgh's ordinance violates the state law. The case is now before the state Supreme Court.³³

Prior to the 2015 ordinance, 40 percent of Pittsburgh's private sector workers did not have access to paid sick time, with low-wage, part-time workers even less likely to be covered than full-time employees.³⁴ Workers who lack paid sick days face an impossible choice between bringing home a paycheck for their families or taking time to recover from an illness.



As a husband and worker, I need paid sick days.

I lost a couple of jobs just for being sick. When you go to work, and you see other people who are visibly sick who should be home but they're not... This whole thing is just a circle. We need paid sick days for healthier lives."

— **SERVICE INDUSTRY WORKER,**
Pittsburgh

³³ Daniel Moore, "Ahead of court hearing on controversial Pittsburgh law, restaurants remain divided on paid sick leave," *Pittsburgh Post-Gazette*, October 22, 2018, <https://www.post-gazette.com/business/career-workplace/2018/10/22/Paid-sick-leave-Pittsburgh-law-restaurants-health-care/stories/201707300004>.

³⁴ "Access to Paid Sick Time in Pittsburgh, Pennsylvania," Institute for Women's Policy Research, April 2015, http://pghneedssickdays.org/wp-content/uploads/sites/3/2015/07/PGH_PaidSick_NEED_Report.pdf.

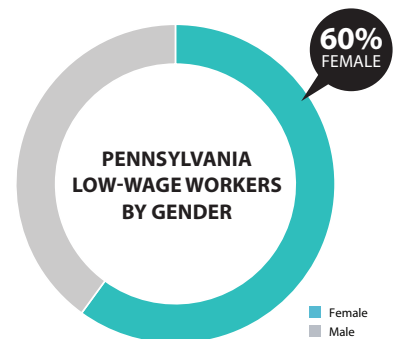


They also face agonizing decisions about whether or not to keep their sick children home: compared to parents with access to paid sick days, parents without paid sick time are more than twice as likely to report taking a sick child to school or daycare.³⁵ Moreover, workers without paid sick days are less likely to go to the doctor or access preventive care.³⁶ These impossibly difficult situations persist for 49,000 Pittsburgh workers as the paid sick days ordinance lies in limbo, four years after it was passed.³⁷ If the state Supreme Court upholds the lower court's invalidation of Pittsburgh's law, tens of thousands of workers, many of whom are women and people of color, will be forced to work through illness for the foreseeable future.

Evidence suggests that women and people of color would benefit most from guaranteed paid sick days. Past research indicates that barriers to accessing preventive care, such as an inability to take time off for medical appointments, are especially detrimental for women of color and leave them at greater risk of health complications or illness resulting in death.³⁸ For poor families and low-wage workers, having to miss work without pay due to illness can have dire financial consequences, and in Pennsylvania this disproportionately impacts women as well as Black

and Hispanic workers. Data shows that women comprise 60 percent of low-wage workers in Pennsylvania,³⁹ while African-American and Latino workers are also overrepresented among the state's lowest earning workers.⁴⁰ Women and workers of color are also more likely to be part-time workers, who are less likely to have paid sick leave or be able to afford to take leave without pay.⁴¹ Additionally, 25 percent of African-American families and 26 percent of Latino families in Pennsylvania live in poverty, compared with 7 percent of white families in the state.⁴² While providing paid sick leave benefits all workers, lower wages and higher rates of poverty make paid sick leave even more essential for female workers and communities of color.

Notably, some of the same service industry sectors whose representatives are challenging Pittsburgh's paid sick leave ordinance disproportionately employ women and workers of color. Health care and social assistance, retail trade, accommodation and food service, and educational services account for nearly 60 percent of women's employment in Pennsylvania⁴³ and also employ nearly half of all workers of color in the state.⁴⁴ In Pittsburgh, employers pay women, African-Americans, and Latinos in these sectors less than their male and white counterparts.⁴⁵ The result is that while women and people of color are organizing for the economic security to take care of their own health, corporate interests are intervening to maximize profits — even when it means circumventing the local democratic process. Unfortunately, the Pennsylvania Supreme Court's interpretation of the state's preemption law could prevent cities from ensuring that employers give paid sick days to their employees.⁴⁶ If the Court sides with service industry corporations, that decision could be especially detrimental for Pennsylvania's women and people of color, who are most likely to be in jobs that lack paid leave and pay low wages that make taking time off nearly impossible.



Women comprise 60% of low-wage workers in Pennsylvania, while African-American and Latino workers are also overrepresented among the state's lowest earning workers. Women and workers of color are also more likely to be part-time workers, who are less likely to have paid sick leave or be able to afford to take leave without pay.

³⁵ "Access to Paid Sick Time in Pittsburgh, Pennsylvania," Institute for Women's Policy Research.

³⁶ Lucy A. Peipins, Ashwini Soman, Zahava Berkowitz, and Mary C. White, "The lack of paid sick leave as a barrier to cancer screening and medical care-seeking: results from the National Health Interview Survey," BMC Public Health 12, (2012).

³⁷ "Access to Paid Sick Time in Pittsburgh, Pennsylvania," Institute for Women's Policy Research.

³⁸ "NCI launches largest-ever study of breast cancer genetics in black women," National Cancer Institute, July 6, 2016, <https://www.cancer.gov/news-events/press-releases/2016/breast-cancer-genetics-black-women>.

³⁹ "Minimum Wage Workers in Pennsylvania – 2017," Bureau of Labor Statistics, August 3, 2018, https://www.bls.gov/regions/mid-atlantic/news-release/minimumwageworkers_pennsylvania.htm.

⁴⁰ U.S. Census Bureau, Pennsylvania's Full Quarter Employment: Average Monthly Earnings by Worker Race and NAICS Sectors, 2016, <https://qwiexplorer.ces.census.gov>.

⁴¹ "Employed and unemployed full- and part-time workers by age, sex, race, and Hispanic or Latino ethnicity," Bureau of Labor Statistics, 2018, <https://www.bls.gov/cps/cpsaat08.htm>.

⁴² U.S. Census Bureau, American Community Survey 2012-2016 5-Year Estimates, Table B17012, accessed February 28, 2019, <https://factfinder.census.gov>.

⁴³ U.S. Census Bureau, Pennsylvania's Beginning of Quarter Employment: Counts by Worker Sex and NAICS Sectors, 2017, <https://qwiexplorer.ces.census.gov>.

⁴⁴ U.S. Census Bureau, Pennsylvania's Beginning of Quarter Employment: Counts by Worker Race and NAICS Sectors, 2017, <https://qwiexplorer.ces.census.gov>.

⁴⁵ U.S. Census Bureau, Pittsburgh, PA's Full Quarter Employment (Stable): Average Monthly Earnings by Worker Race and NAICS 3-digit Subsectors, 2017, <https://qwiexplorer.ces.census.gov>; U.S. Census Bureau, Pittsburgh, PA's Full Quarter Employment (Stable): Average Monthly Earnings by Worker Sex and NAICS 3-digit Subsectors, 2017, <https://qwiexplorer.ces.census.gov>.

⁴⁶ Daniel Moore, "Ahead of court hearing on controversial Pittsburgh law, restaurants remain divided on paid sick leave."

Tennessee

Tennessee has one of the most far-reaching state preemption landscapes in the country. The state legislature has preempted most workers' rights issues, including predictive scheduling, minimum wage, ban the box, wage theft, paid sick leave, local hire provisions, and union labor agreements.⁴⁷ Tennessee also has preemption laws that ban local inclusionary housing ordinances, which hinders fast-growing and increasingly expensive cities like Nashville from producing much-needed affordable housing. While Tennessee's overwhelming preemption regime hurts all communities across the state, this analysis focuses on how preemption prevents Nashville from enacting the policies needed to correct structural racism and gender inequity.



The State of Tennessee does not guarantee paid sick days for workers, and state law prevents cities from requiring employers to provide paid sick time for employees. Denying workers the right to paid time off is especially detrimental for women in Tennessee. Nationally, about one-third of private sector workers do not have access to paid sick days. This includes "more than seven in 10 of the lowest-income workers, 81 percent of food service workers and 75 percent of people working at child care centers — all groups that are disproportionately female," and these groups are also disproportionately female in Tennessee.⁴⁸ Workers in low-wage jobs — a majority of whom are women — are less likely to have access to paid sick days, and nationally 82 percent of workers making \$8.25 per hour or less don't have access to paid sick days.⁴⁹ Parents without paid sick days are more likely to send a sick child to school and are less likely to take their child to routine checkups and preventative care. In addition, women bear a disproportionate amount of caregiving responsibilities, and without paid sick days they are not able to take care of themselves and their families.

Close to 1 million people working in the private sector in Tennessee, comprising 45 percent of the workforce, have no access to paid sick time.⁵⁰

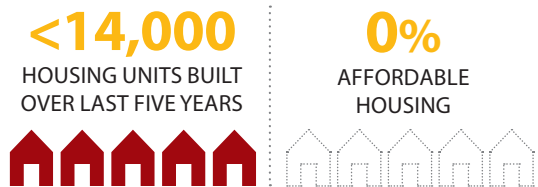
Tennessee's preemption of both workers' rights legislation and affordable housing policy is especially harmful in high-cost cities like Nashville, where rents are much more expensive than the average for the state. While the average two-bedroom apartment in Tennessee rents for \$819 per month, the same apartment costs \$1,002 per month in Nashville, a difference of more than 20 percent.⁵¹ The city has become increasingly expensive due to real estate speculation and development in recent years.⁵² However, Tennessee's ban on inclusionary zoning means that Nashville's current growth and development is unlikely to benefit existing, vulnerable low-income residents. Though inclusionary zoning is one of the primary ways that



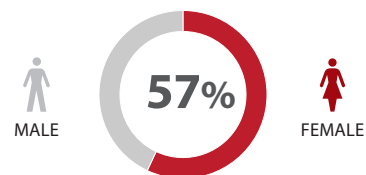
“State preemption stops us from doing all kinds of things that the majority of Nashvillians want, from things like raising the minimum wage and requiring local hiring on city-funded projects, to removing confederate statues and beefing up anti-discrimination commitments. Even though the state has hamstrung many of our campaigns, we continue to find new strategies and tactics to move an agenda to build working class power in South.”

— ANNE BARNETT,
Stand Up Nashville Co-Chair

LACK OF INCLUSIONARY HOUSING POLICY



HEAD OF HOUSEHOLDS IN POVERTY — NASHVILLE



⁴⁷ "Mapping State Interference," Partnership for Working Families.

⁴⁸ Alex Baptiste, "Paid Sick Days Promote Women's Health," National Partnership for Women and Families, May 16, 2018, <http://www.paidicksdays.org/blog/i.html?id=874816897#.W9pcZpNKj-Y>.

⁴⁹ "Working Women Need Paid Sick Days," National Partnership for Women and Families, April 2013, <http://www.nationalpartnership.org/our-work/resources/workplace/paid-sick-days/working-women-need-paid-sick-days.pdf>.

⁵⁰ "Workers' Access to Paid Sick Days in the States," National Partnership for Women and Families, May 2015, <http://www.nationalpartnership.org/our-work/resources/workplace/paid-sick-days/workers-access-to-paid-sick-days-in-the-states.pdf>.

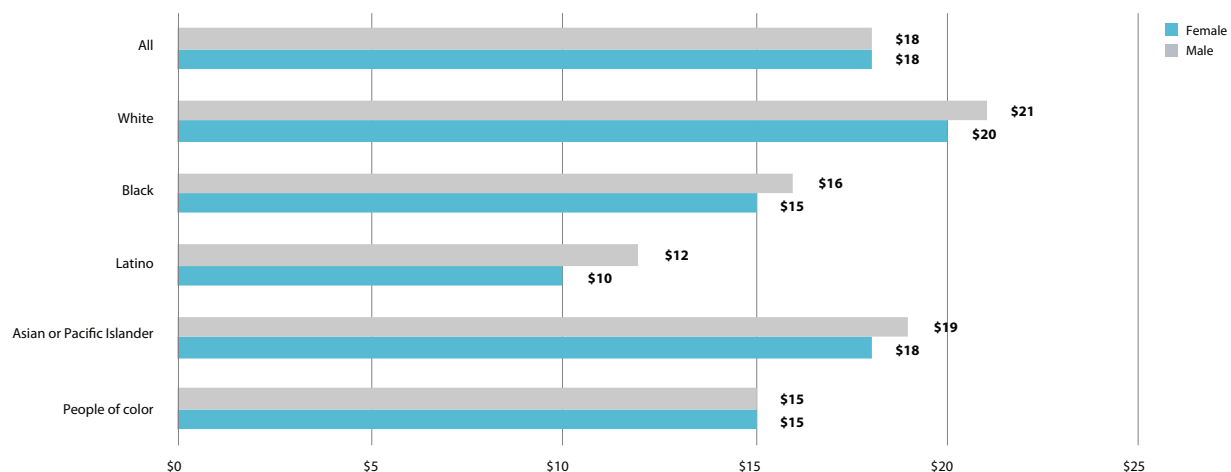
⁵¹ "Out of Reach 2018: Tennessee," National Low Income Housing Coalition, accessed March 3, 2019, <https://reports.nlihc.org/or/tennessee>.

⁵² "Housing Nashville," Office of the Mayor, 2018, <https://www.nashville.gov/Portals/0/SiteContent/MayorsOffice/AffordableHousing/Housing%20Nashville%20FINAL.pdf>.

cities produce affordable units and generate funds for affordable housing construction,⁵³ Nashville's inability to have an inclusionary housing policy means that none of the 14,000 housing units built in the past five years supported the creation of affordable housing. In fact, Nashville has lost more than 20 percent of its affordable housing stock since 2000.⁵⁴ As rents in Nashville continue to rise, Tennessee's preemption of affordable housing policy prevents Nashville from supporting its residents who are most likely to be pushed out of their homes.

Not only do Tennessee's preemption laws limit the production of affordable housing, but they also hinder the ability for low-wage workers to earn enough to pay rent. The state's minimum wage preemption means that Nashville's minimum wage is limited to the state rate of \$7.25 per hour, the lowest allowable wage level in the country.⁵⁵ Low wages in Nashville have a disproportionate impact on women of color, who face a persistent wage gap. Nashville's Black and Latina women are paid the lowest median hourly wages, \$16 and \$11, respectively, while the median hourly wage for all women in Nashville stands at \$18. Low wages for women result in elevated poverty rates for female-headed households, which represent 57 percent of the households in poverty in Nashville.⁵⁶ On average, a Black single mother in Nashville who has one child and earns the median wage while working full time has \$18,000 for living expenses after paying for housing costs. Accounting for Nashville's cost of living, this family's food, childcare, healthcare, and transportation costs amount to \$24,400. As a result, single earner households in Nashville headed by Black women face a budget shortfall of \$6,000 on average.⁵⁷

Figure 3. Median Hourly Wage in Nashville by Race/Ethnicity and Gender, 2015



Source: IPUMS, PolicyLink/Pere National Equity Atlas, 2015

As a result of low wages and the high cost of living, Nashville's women of color are among the most vulnerable groups renting in the private market. Black and Latina women face the highest rates of housing cost burden in Nashville, with the majority of both groups burdened by unaffordable rents (Figure 4). While white women have lower rates of housing cost burden than women from other racial groups, they are still significantly more cost burdened than their male counterparts. Accordingly, women, especially women of color, would greatly benefit from higher wages and access to affordable housing. However, Tennessee's state preemption laws depress wages in Nashville and prevent the City from producing new affordable housing units through inclusionary zoning. Thus, state preemption of inclusionary zoning and local minimum wage increases disproportionately harms women of color.

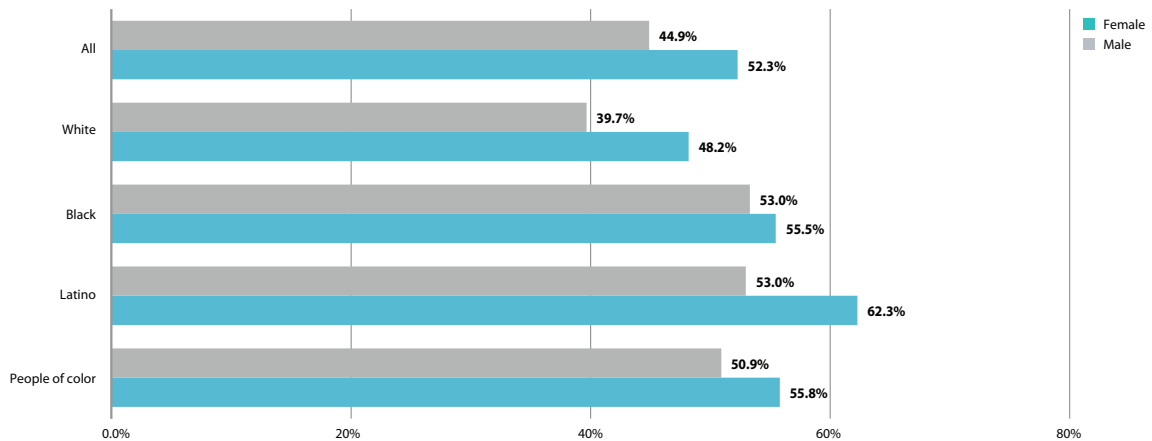
⁵³ Benjamin Schneider, "CityLab University: Inclusionary Zoning."

⁵⁴ "Housing Nashville," Office of the Mayor

⁵⁵ "Minimum Wage Laws in the States," U.S. Department of Labor, accessed March 2, 2019, <https://www.dol.gov/whd/minwage/america.htm>.

⁵⁶ U.S. Census Bureau, American Community Survey 2012-2016 5-Year Estimates, Table B17012, accessed February 28, 2019, <https://factfinder.census.gov>.

⁵⁷ "Living Wage Calculator - Living Wage Calculation for Nashville-Davidson—Murfreesboro—Franklin, TN," Massachusetts Institute of Technology, accessed March 2, 2019, <http://livingwage.mit.edu/metros/34980>.

Figure 4. Rates of Housing Cost Burden in Nashville by Race/Ethnicity and Gender, 2015

Source: IPUMS, PolicyLink/Pere National Equity Atlas, 2015

Tennessee's lawmakers have failed to pass legislation that raises the minimum wage, guarantees paid leave for workers, and supports affordable housing development. Moreover, these legislators have developed a formidable preemption policy framework that prevents Tennessee's cities from creating policies that can raise wages, provide paid leave, or implement inclusionary zoning. The state is drastically limiting the tools its cities can use to address the needs of their residents. Data on wages, employment, poverty, and housing cost burden reveals that women and people of color in Tennessee are impacted most when cities cannot improve job quality and provide affordable housing opportunities. As a result, Tennessee's preemption of local policymaking exacerbates existing disparities and increases the material hardship of historically marginalized populations.

The Corporate and Male and White Drivers of Preemption

Evidence from Colorado, Louisiana, Pennsylvania, and Tennessee reveals that state preemption worsens the inequities experienced by women, especially women of color, and prevents women and people of color from acting in their own communities to change this. While those most impacted by the resulting legislation are women and people of color, the legislators leading the effort to pass these laws are almost exclusively white men – many of whom receive significant donations from corporations who stand to gain financially from state preemption. Moreover, these same legislators are often behind other legislative efforts that harm women and people of color.

Louisiana, Tennessee and other states are following in the path of Wisconsin, where Scott Walker and the legislature first introduced paid sick days preemption in 2011. Recent legislative efforts in Wisconsin, Michigan, and other states point to a pattern of white male legislators with corporate funders who both sponsor state preemption laws that harm vulnerable workers and also support other legislation that negatively affects women and communities of color.

In Wisconsin, Representatives Rob Hutton and Mike Rohrkaste sponsored a bill that prohibits local governments from regulating employee work hours, overtime, scheduling, employee benefits, and employment discrimination. The bill became law in April 2018.⁵⁸ Representative Hutton also sponsored preemption legislation related to immigrants' rights, supporting a bill that would forbid sanctuary policies — local ordinances that prohibit compliance with federal or state law regarding undocumented individuals or verifying immigration status.⁵⁹ The Wisconsin Realtors Association has been a top contributor to both Representative Hutton and Representative Rohrkaste. Representative

⁵⁸ Wisconsin State Legislature, Assembly Bill 748, 2018, <https://docs.legis.wisconsin.gov/2017/proposals/reg/asm/bill/ab748>.

⁵⁹ Wisconsin State Legislature, Assembly Bill 549, 2017, <https://docs.legis.wisconsin.gov/2017/related/proposals/ab549>.

Hutton's biggest donors also include Walmart and the Associated Builders and Contractors of Wisconsin.⁶⁰ Koch Industries has been the second largest contributor to Representative Rohrkaste's campaigns.⁶¹

In addition to the previously mentioned preemption bills, Representative Hutton was a primary sponsor of bills that would eliminate Wisconsin's prevailing wage laws⁶² and prevent the State from contracting with health plans that provide abortion services.⁶³ He has also supported other bills that would make it more difficult for his female constituents to access abortion services.⁶⁴ Additionally, he co-sponsored a bill to limit Wisconsin's federal food assistance program.⁶⁵ This program's recipients are disproportionately Black in Wisconsin and nationwide,⁶⁶ and proponents of dismantling this form of government assistance use racist rhetoric to demonize the people who participate in the program.⁶⁷ Recently, Representative Rohrkaste sponsored a bill to make it more difficult to expunge a criminal record.⁶⁸ Research from the Justice Department indicates that having a criminal record has especially harsh consequences for African Americans and poses a significant barrier to employment.⁶⁹

Peter MacGregor, a legislator in Michigan,⁷⁰ introduced a bill in 2015 that would have forbidden municipalities from regulating employee wages, hours, scheduling, and fringe benefits.⁷¹ Like his counterparts in Wisconsin, Michigan's Senator Macgregor is also funded by businesses interests, receiving more than \$10,000 each from the Michigan Chamber of Commerce, the large grocery chain Meijer, and Moving Michigan Forward, a 501c4 organization founded by former Gov. Rick Snyder to establish the state's "pro-business" profile.⁷²

In a direct attack on racial and gender pay equity, Michigan Governor Rick Snyder signed a bill in 2018 that, like Wisconsin's sweeping preemption bill, prohibits local governments from regulating the information employers can request from prospective employees during the interview process. The Act is in response to municipalities passing ordinances that prohibit employers from seeking salary information from applicants, and also restricts a local government's ability to implement "Ban the Box" ordinances that prohibit employers from inquiring about an applicant's criminal conviction history.

A common link between the states aggressively prohibiting cities and counties from passing workplace and housing protections is the American Legislative Exchange Council (ALEC). ALEC's members include many of the nation's largest companies, and nearly 2,000 state legislators (almost a quarter of all state lawmakers).⁷³ The organization crafts model legislation that is then championed by conservative lawmakers. Since 2011, legislators from more than 30 states have introduced hundreds of bills reflecting ALEC model legislation, and many of those are designed to suppress wages and limit local authority over benefits.



The primary author of Louisiana's legislation forbidding local governments from requiring paid sick days for employees was Senator Ronnie Johns.⁷⁴ Some of Senator Johns's top campaign contributors are industry groups that oppose paid leave for workers, including the Louisiana Restaurant Association and the Louisiana Association of Business and Industry.⁷⁵ The preemption laws supported by Senator Johns are part of a larger legislative agenda promoted by ALEC. Johns was also a primary sponsor of Senate Bill 633, which amends the laws governing the unauthorized use of federal food assistance benefits. This infraction is now punishable by a fine of between \$5,000 and \$1,000,000. The law previously capped the fine at \$3,000. Additionally, the bill established a minimum prison time of 6 months, if sentenced to imprisonment.⁷⁶

⁶⁰ "Rob Hutton: Top Donors," Campaign Finance Institute, accessed March 10, 2019, <https://www.followthemoney.org/entity-details?eid=13735958>; "Michael Karl Rohrkaste: Top Donors," Campaign Finance Institute, accessed March 10, 2019, <https://www.followthemoney.org/entity-details?eid=3574817>.

⁶¹ "Michael Karl Rohrkaste: Top Donors," Campaign Finance Institute, accessed March 15, 2019, <https://www.followthemoney.org/entity-details?eid=3574817>.

⁶² Wisconsin State Legislature, Assembly Bill 296, 2017, <https://docs.legis.wisconsin.gov/2017/related/proposals/ab296>.

⁶³ Wisconsin State Legislature, Assembly Bill 128, 2017, <https://docs.legis.wisconsin.gov/2017/related/proposals/ab128>.

⁶⁴ Wisconsin State Legislature, Assembly Bill 237, 2015, <https://docs.legis.wisconsin.gov/2015/proposals/ab237>.

⁶⁵ Wisconsin State Legislature, Assembly Bill 200, 2015, <https://docs.legis.wisconsin.gov/2015/proposals/ab200>.

⁶⁶ "Characteristics of Supplemental Nutrition Assistance Program Households: Fiscal Year 2017," USDA

⁶⁷ Alma Carten, "Racism Has Shaped U.S. Welfare Policy Since 1935,"

⁶⁸ Wisconsin State Legislature, Assembly Bill 33, 2019, <http://docs.legis.wisconsin.gov/2019/related/proposals/ab33>.

⁶⁹ Amy L. Sullivan, "In Search of a Job: Criminal Records as Barriers to Employment," *NIJ Journal* 270, June 2012, <https://www.nij.gov/journals/270/pages/criminal-records.aspx>.

⁷⁰ Reflective Democracy Campaign, 2016-17 Demographics of Power dataset, <https://wholeads.us/resources/for-researchers/>.

⁷¹ Michigan Legislature, Senate Bill 0337, 2015, [https://www.legislature.mi.gov/\(S\(ejbj5wq4bmsbankpk2gl3xzf\)\)/mileg.aspx?page=getObject&objectName=2015-SB-0337](https://www.legislature.mi.gov/(S(ejbj5wq4bmsbankpk2gl3xzf))/mileg.aspx?page=getObject&objectName=2015-SB-0337).

⁷² "Peter MacGregor: Top Donors," Campaign Finance Institute, accessed March 10, 2019, <https://www.followthemoney.org/entity-details?eid=183524>.

⁷³ "ALEC Has Tremendous Influence in State Legislatures. Here's Why," *Washington Post*, December 9, 2013, https://www.washingtonpost.com/news/monkey-cage/wp/2013/12/09/alec-has-tremendous-influence-in-state-legislatures-heres-why/?utm_term=.49f7753cd779

⁷⁴ Louisiana State Legislature, Senate Bill 521, 2012, <http://legis.la.gov/Legis/BillInfo.aspx?s=12RS&b=SB521&sbi=y>.

⁷⁵ "Ronnie Johns: Top Donors," Campaign Finance Institute, accessed March 10, 2019, <https://www.followthemoney.org/entity-details?eid=13001002>.

⁷⁶ Louisiana State Legislature, Senate Bill 633 (2013), <http://www.legis.la.gov/Legis/BillInfo.aspx?i=220869>.

In Louisiana, the majority of households participating in this assistance program are Black.⁷⁷ This bill is part of a long and racist history of criminalizing women of color in this country.⁷⁸

Representative Glen Casada and Senator Brian Kelsey sponsored the bills in Tennessee that became the law prohibiting municipalities from enacting policies that regulate employee benefits, paid leave, or the minimum wage.⁷⁹ Representative Casada also sponsored the 2017 bill that led to Tennessee's law prohibiting local governments from passing inclusionary zoning ordinances. The other primary sponsor on the bill was Senator Ferrell Haile.⁸⁰ Senator Jack Johnson⁸¹ was the primary sponsor of legislation that preempted local regulation of employee scheduling, an important workers' right issue.⁸² In Representative Casada's races for public office, his top financial contributors have included industry groups like the Tennessee Association of Realtors and the Tennessee Hotel and Lodging Association,⁸³ whose members would likely profit from the preemption legislation Casada has sponsored. Senators Kelsey and Johnson have also received significant donations from the Tennessee Association of Realtors.⁸⁴ Additionally, Senator Johnson received more than \$20,000 each from Federal Express and AT&T, some of the largest corporations in America.⁸⁵ One of Senator Haile's top campaign contributors is CoreCivic,⁸⁶ the second largest private prison corporation in the country, and an early participant in an ALEC task force that advanced model "Truth in Sentencing" and "Three Strikes" legislation.

Additionally, Representative Casada has sponsored legislation that undermines women's reproductive rights⁸⁷ and makes it more difficult for low-income Tennesseans to access Medicaid services.⁸⁸ Senator Kelsey sponsored a similar bill that affected Medicaid programs in Tennessee.⁸⁹ Throughout the country, restrictions on Medicaid programs disproportionately impact Black households.⁹⁰ Senator Haile has also sponsored legislation that is harmful for women and people of color, including a bill requiring Tennessee's Medicaid provider to report annually on the number of abortions paid for by the medical assistance program⁹¹, as well as a law to restrict the forms of identification that can be used for voter registration.⁹²

CORPORATE INTERESTS

*A few of the corporations behind legislation
contrary to worker's best interests*



⁷⁷ "Characteristics of Supplemental Nutrition Assistance Program Households: Fiscal Year 2017," U.S. Department of Agriculture, February 2019, <https://fns-prod.azureedge.net/sites/default/files/ops/Characteristics2017.pdf>.

⁷⁸ Alma Carten, "Racism Has Shaped U.S. Welfare Policy Since 1935," U.S. News and World Report, August 22, 2016, <https://www.usnews.com/news/articles/2016-08-22/how-racism-has-shaped-welfare-policy-in-america-since-1935>.

⁷⁹ Tennessee General Assembly, House Bill 501, 2013, <http://wapp.capitol.tn.gov/apps/BillInfo/default.aspx?BillNumber=HB0501&GA=108>.

⁸⁰ Reflective Democracy Campaign, 2016-17 Demographics of Power dataset

⁸¹ Reflective Democracy Campaign, 2016-17 Demographics of Power dataset

⁸² Tennessee General Assembly, Senate Bill 0262, 2017, <http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB0262&GA=110>.

⁸³ "Glen Casada: Top Donors," Campaign Finance Institute, accessed March 10, 2019, <https://www.followthemoney.org/entity-details?eid=6607203>.

⁸⁴ "Brian Kelsey: Top Donors," Campaign Finance Institute, accessed March 10, 2019, <https://www.followthemoney.org/entity-details?eid=6658891>.

⁸⁵ "Jack Johnson: Top Donors," Campaign Finance Institute, accessed March 15, 2019, <https://www.followthemoney.org/entity-details?eid=6669848>.

⁸⁶ "Ferrell Haile: Top Donors," Campaign Finance Institute, <https://www.followthemoney.org/entity-details?eid=6646035>.

⁸⁷ Tennessee General Assembly, House Bill 77, 2019, <http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=HB0077&ga=111>.

⁸⁸ Tennessee General Assembly, House Bill 498, 2019, <http://www.capitol.tn.gov/Bills/111/Bill/HB0498.pdf>.

⁸⁹ Tennessee General Assembly, Senate Bill 286, 2019, <http://www.capitol.tn.gov/Bills/111/Bill/SB0286.pdf>.

⁹⁰ Lola Fadulu, "The Republicans' Medicaid cuts, if they pass, will disproportionately hurt black Americans," Quartz, June 29, 2017, <https://qz.com/1016185/bcra-health-care-reform-the-republicans-medicaid-cuts-would-disproportionately-hurt-black-americans/>.

⁹¹ Tennessee General Assembly, Senate Bill 2330, 2016, <http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB2330&ga=109>.

⁹² Tennessee General Assembly, Senate Bill 0675, 2017, <http://wapp.capitol.tn.gov/apps/BillInfo/Default.aspx?BillNumber=SB0675&ga=110>.

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Conclusion

While preemption itself may seem neutral and technical, corporations and white, male-dominated legislatures are increasingly employing it in ways that perpetuate and worsen gender and racial inequity, and block the efforts of those trying to correct these ills and strengthen local democracy. They use this tool to stop women from working with their local governments to create policies that help families stay in their homes while rents skyrocket, and the people who suffer most are those who have long been excluded from fair pay and home ownership — people of color and women. We must end this misuse of preemption.

State laws preempting local governments from enacting rent stabilization policies add to the challenges of unaffordable housing markets in cities, stopping municipalities from protecting vulnerable tenants from exorbitant rent increases. Furthermore, rising rents disproportionately impact people of color and female-headed households, who have lower incomes and less access to homeownership. Similarly, preemption laws related to worker protections like minimum wage and paid sick leave harm the female employees and workers of color who are most likely to have low-wage jobs and lack paid leave. Across the country the same politicians that preempt our local policies have also chosen to ignore their constituents' needs at the state level – refusing to pass legislation that would raise the minimum wage, guarantee paid leave for workers, stabilize rents, and support affordable housing development. While women and people of color are at the forefront of these fights for basic dignity and justice in our cities, a handful of white male legislators undo their work in our capitols. State legislatures must overcome corporate-funded opposition and stop blocking local efforts to advance gender and racial equity.